

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:14-00109

GARY L. ROEHER

RESPONSE TO DEFENDANT'S MOTION FOR AN EARLY TERMINATION
OF DEFENDANT'S THREE YEAR TERM OF PROBATION

Comes now the United States of America, by Meredith George Thomas, Assistant United States Attorney for the Southern District of West Virginia, and files this response to defendant's Motion for an Early Termination of Defendant's Three Year Term of Probation.

In October 2014, the defendant was sentenced to a 3-year term of probation.

After serving a little over half of his probationary term, the defendant filed a motion seeking early termination of probation. In support of his motion for early termination, the defendant argues that an end to his term of probation may assist him in finding employment.

The defendant has failed to allege any circumstances that would warrant early termination. While defendant's compliance with the conditions of probation reflects well upon him, his performance does not justify eliminating half of his sentence.

Furthermore, there is nothing particularly onerous about the term or conditions of the defendant's probation. According to his probation officer, the defendant's probation requirements are limited, and do not require much more than his submitting monthly reports to the Probation Office. According to his probation officer, however, the Probation Office does not oppose his early termination.

This Court determined that defendant's sentence was sufficient but not greater than necessary in accordance with 18 U.S.C. § 3553. Terminating probation after defendant served only half of his sentence would appear to permit a sentence that is insufficient and less than necessary. The United States understands that, at times, the Court will terminate probation before a defendant's term is complete. Should the Court determine that course of action is appropriate here, the United States respectfully requests that the Court require the defendant to complete at least two-thirds of his term of probation before terminating his term of probation.

The United States is satisfied that the factual details of this case have been thoroughly developed in this record and in the pre-sentence report and that its arguments in support of sentencing are, likewise, a matter of record.

The Court has jurisdiction and discretion to alter or remove the term of probation imposed herein. The United States does not object to the Court exercising that authority and discretion without further argument or evidence.

Respectfully submitted,

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By:

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CERTIFICATE OF SERVICE

It is hereby certified that the foregoing "RESPONSE TO DEFENDANT'S MOTION FOR AN EARLY TERMINATION OF DEFENDANT'S THREE YEAR TERM OF PROBATION" has been electronically filed and service has been made on opposing counsel by virtue of such electronic filing this 25th day of April, 2016, to:

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